

2009-2011

4-042

CONSTANT FORCED TO
ADOPT SAFETY measures
after the vehicle crashes

①

32 Brooke House
Town Square
Basildon

SS14 1HX

These are some of the things that
I saw at Hovefields on Tuesday
29th June 2010

Along Hovefields Drive I saw
2 large diggers picking up rubble
and earth and putting it in
lorries. The area was quite open,
there was some low wooden
~~for~~ fencing with panels missing
and other areas with no barrier
at all. I was able to freely
enter and walk past the working
machines, I saw a boy maybe
9 or 10 years old walking a few
yards from one digger. (several)
(feet)

On the site I saw no one
in protective clothing - no
hard hats. only some high

②

viz jackets on the security guards. Neither security nor bailiffs asked people to leave the site at that time 10.30 ish.

There were piles of metal fencing and after 10.30 two of these were put across the road with a gap for people to pass.

Young and old people continued to enter or cross the plot.

I am not trained in health and safety regarding demolition or building sites. I have seen signs around properly run sites. There were no signs showing the area where the diggers were working, no information and nothing about safety or protective

(4)

unsanitary smell of sewage.
There were still no warning
signs or barriers to entry.

A trained person may have
noticed more problems but I
could see that this was
not a safe environment.

Yours sincerely
Zelda Jeffers

ZELDA JEFFERS.

✓ **HSE**

also
John
Claxton (inspector)

IF bailiffs bring machinery and vehicles up Oak Lane *before* children and elderly have been evacuated and site secured with perimeter fence call -

DAVID NOLAN on 01342 334300

As a Health and Safety Executive officer he will phone Constant & Co to stop the operation until children are moved to safety.

Give him Constant's number: **01234 302277**
also 01234 340091 & Milton Keys 01908 374374



Wednesday

Mr G Puxton
Secretary
Dale Farm Housing Association
1 John Harper Street
Colchester
Essex
CO1 1RP

15 December 2010

Reference CETO 307 10

Field Operations Directorate

E Scoggins

East South East

Wren House
Colchester Road
Springfield
Essex CM2 5PF

Tel: 01245706200
Fax: 01245706222
Email: address@hse.gov.uk

<http://www.hse.gov.uk/>

Operations Manager
Simon Longbottom

Dear Mr Puxton

HEALTH & SAFETY AT WORK ETC. ACT 1974

Thank you for your e-mail of 14 December 2010 concerning Dale Farm. Your e-mail was addressed to Geoffrey Podger and I have been asked to reply. I am sorry that your original concerns have taken some time to deal with.

HSE has now had an opportunity to meet with and address your concerns with both Constant and Co and the Local Authority. In particular we have considered how future evictions should be managed safely, assuming that they take place.

We are satisfied that arrangements are in place to enable any future work to be carried out in a manner that is as safe as is reasonably practicable. I have also asked one of my inspectors to remain in contact with the interested parties to ensure that this continues to be the case and we note, in particular, your concern about children on site.

Yours sincerely



E Scoggins
HM Principal Inspector of Health and Safety

DALE FARM HOUSING ASSOCIATION

secretary
Grattan Puxon
1 John Harper Street
Colchester C01 1RP
Dale.farm@btinternet.com

Mr E.Scoggins
HM Principal Inspector of Health and Safety
Wren House
Colchester Road
Springfield
Essex CM2 5PF

10 January 2011

CHILDREN'S SAFETY: FORCED EVICTION AT DALE FARM

Dear Mr Scoggins,

Let me say first that we are depending on people like you and your chair Judith Hackitt at HSE to safeguard our children, and other vulnerable persons, including pregnant mothers, the elderly and chronically ill at Dale Farm when the planned large-scale forced eviction by Basildon District Council takes place.

However, from your failure to report back to us as the originators of the complaints against Constant & Co., it appears that rather than keeping your focus strictly on the need to ensure the safety of the children by zero tolerance towards those breaching safety and health regulations, you are colluding with Basildon District Council.

If this is so, and we hope you will deny it and moreover show by future actions that safety is your only aim, you would be disregarding the dangers into which children, and of course entire families, will be thrust should they be forced out onto the road.

The latest information is that this unprecedented operation, involving the bulldozing of 52 properties and displacement of some 400 people, will take place in March. The destruction is likely to continue for two or three weeks and cost as much as £13 million in fees to Constant & Co., the bill for policing, and legal and administrative expenses. As you will be aware, the Home Office has been requested to provide special funding to Essex police.

The Billericay Primary Care Trust has warned of inevitable trauma and injury to children in particular, and in the light of their report the Children's Commissioner has asked Basildon to take measures to safeguard Dale Farm children, both in regard to the eviction itself and their future security.

The operation, which contains a clear threat to the lives of Traveller children, has been denounced as an act of ethnic-cleaning by both Labour and Lib-Dem councillors, and clergy of the Catholic, Anglican and free churches. It is drawing opposition in many quarters. Media interest grows weekly, with television coverage already extensive and film units from Germany, France, Spain and Hungary, as well as domestic channels and freelance journalists, asking to be embedded at Dale Farm before commencement.

The situation has attracted the concern of the Essex University Human Rights Clinic, which plans to deploy a team of Legal Observers. They expect to be in a position to provide instant text and picture, and video evidence of safety breaches by Constant and others during the demolition of walls and buildings, ground extraction of electricity cables, and the many other hazardous jobs to be undertaken.

The observers will watch for and report all incidents where there is clear and imminent danger to children and adults on the five-acres site.

We urge that in view of the scale of this demolition operation and the numerous dangers identified, the HSE send one or more field inspectors to oversee each phase of the work when residents, and their children, are present. It will be useful to have that inspector identified and made known to use in advance.

Bearing in mind the legal duty under the Reporting of Injuries, Diseases and Occurrences Regulations 1995 (RIDDOR) of all persons in control of premises to report work-related dangerous incidences, including near-miss accidents, the Legal Observers will be briefed by Dale Farm owners and occupiers (in control of premises) to make reports directly to the contacts provided on your website:

riddor@connaught.plc.uk 0843009923
and/or the Duty Officer at 01519229235

Such reports could include, i) dangerous occurrences (machinery operated close to children), ii) flammable gas incidents (hundreds of gas-containers on site), iii) electric-cables (numerous cables and meter-boxes), iv) asbestos (identified on several premises).

As indicated, and if necessary, reporting would take place out of hours in accordance with HSE guidelines where "incidents causing major disruption, such as evacuation of people, closure of roads" are taking place.

Road closures are expected and an evacuation to church halls has been proposed, while the forced ejection of families onto nearby roads must itself be treated as an evacuation, since several hundred persons would at that point have had their homes, and personal property demolished and burned.

Thank you for your letter of 15 December 2010 and your apology for the lateness of the response to our original multiple complaints concerning the serious breaches of safety law by Constant & Co., including the major incidents where children's lives were put in danger through the movement of heavy machinery and demolition of buildings. We presume you have seen the 26-page dossier entitled Complaint Against Constant sent earlier to Mr Podger, as well as the follow-up correspondence. If not a further copy can be provided.

We cannot consider that our primary concerns, as you claim, have been dealt. Here some reasons:

a) on 7 September 2010 Constant & Co were again observed operating a heavy digger close to children (although for the first time some safety fencing had been erected)

b) while you have consulted with Constant & Co and the Local Authority (meaning Basildon District Council), you have failed to furnish the Dale Farm Housing Association with a report of your investigation or any explanation as to why Mr Brian Constant is not being prosecuted

In addition, we must note that our attempts to contact Basildon District health and safety officers have been thwarted and interfered with by senior management staff including Mrs Dawn French, who is insisting correspondence with safety officers go through her. It is necessary therefore the HSE bear in mind that you are in this case dealing with co-regulators in the local authority who are themselves tied into the authority, Basildon District Council, which is itself organizing the demolition and clearances about which our complaints are being made.

In view of this, we must request herewith under the FOI Act and Environmental Information Regulations (EIRS) that you provide us copies of:

- a) our original complaints as defined and filed by the HSE
- b) the Report of your investigation, particularly in relation to the incident at Hovefields Avenue, Wickford, Essex, on 29 June 2010 when a child was inside a utility unit shortly before it was demolished by an H.E.Services digger, hired by Constant & Co (as agents of the BDC). Photographs of which incident were supplied to the HSE
- c) the Risk Assessment Reports provided to you by Constant and BDE in respect of the operations and incidents about which we complained, and most importantly the Risk Assessment furnished for the upcoming Dale Farm operation

As chair Judith Hackitt states on the HSE website your mission is to prevent injuries and deaths and "to prosecute those who put others at risk". She says herself, "our job is to protect people against risks to health and safety." We urge that you fulfil that comment.

To do so effectively you will need, as the independent watchdog for safety at work, to consult more closely with us; to hear the voice of those who are to be subject to acts of violent destruction, demolition and forceful removal, involving giant diggers, low-loaders and hard-hat bailiffs using sledgehammers. This on a site densely inhabited by women, several of whom are pregnant, small children, elderly and sick individuals; and where numerous gas-containers, electricity cables and buried cess-tanks, as well as some asbestos, are present, as notified to the HSE in earlier correspondence.

You say in your letter that you are satisfied that arrangements are in place to enable any future work (including the Dale Farm eviction) to be carried out in a manner that is as safe as is reasonably practicable. If you believe that it is because you have been misled by Basildon Council representatives and the directors of Constant & Co., including Mr Constant.

With children's lives at stake "reasonably practicable" is just not good enough and does not meet the commitments of the HSE code and charter. A similar view was taken before three children were burned to death in a trailer caravan in Walsal and another child killed on wasteland at Brownhills.

Please suggest a time and date for us to meet with you and discuss the Dale Farm eviction operation from the point of view of health and safety law. We have much to tell you and are anxious to work with you for the aims which we both share.

Yours sincerely,

Grattan Puxon
Secretary DFHA

COMPLAINT

We wish to make a complaint that at Hovefields Drive, Wickford, Essex SS12 9JD, on 29 June Constant & Co (Bedford) Ltd of 66 Harpur Street, Beds MK40 2RA (telephone 01234 340091, 01235 302277) failed to observe the law relating to demolition sites under the Construction (Design and Management) Regulations 2007 SI 320/2007 and other legislation.

Whilst the individual breaches are too numerous to detail we are particularly concerned at the breach of Regulation 13, especially Regulation 13(6). We believe furthermore that the entire operation was conducted in an unsafe and hazardous manner and trust that you will investigate.

On the morning of Tuesday 29 June 2010, Constant employees arrived at Hovefields Drive, Wickford. It was about 8 am. No notice of this work had been given. Bailiffs began knocking on caravans and mobile-homes giving occupants one hour to pack up and leave.

At about the same time low-loaders arrived bearing three heavy 'diggers' (**Photo 1** attached). Within half an hour of arrival the digger operators starting digging up plots where the owners were absent. These plots are covered in compacted hardcore and gravel or tarmac, designed to give a stable base for residential caravans and chalets.

Water and electricity were supplied to the plots. No attempt was made to ascertain pipe runs for clean, runoff, or sewage water. No attempt was made to ascertain electric cable runs. These services were disconnected by Constant's operatives without the involvement of representatives of the utility companies. No apparent precautions were taken to ensure electrical safety during 'live working'. No apparent precautions were taken to ensure that water supplies were not contaminated with sewage.

There were a number of buildings on these plots (**Photo 2**). Access to these buildings was not interdicted because, as **Photo 2** shows, a child was able freely to enter a building shortly before it was demolished.

These buildings are used as lavatories and for washing, and are connected to underground four thousand gallon cess tanks. No attempt had been made to empty the cess tanks before demolition work commenced. The tanks were breached. It was immediately apparent that foul sewage had contaminated the site because of the smell. The ground was so churned up that it is inevitable that sewage contaminated the ground and may enter run off to adjacent occupied properties and ground water. This amounts to an accidental release of a substance (sewage) which may damage health and is accordingly a Reportable Incident under RIDDOR. We trust that Messrs Constant have made a RIDDOR report. If they have failed to do so, please accept this report.

No safety fencing was placed round the site, neither were there any warning signs. The truth of these allegations may be judged from the photographs attached, including Press photos. Additional sets of photographs are being sent to you by email.

Whilst Constant had brought some proper metal safety fencing, though probably not

✓ HSE REPORT AN INCIDENT

- 1) dangerous occurrence 2) flammable gas incident
3) asbestos (breaking of...)
4) electric cables

The Incident Contact Centre

riddor@connaught.plc.uk 0845 300 9923

Make online report at HSE www.hse.gov.uk

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) places a legal duty on "people in control of premises" to report work-related dangerous occurrences, near miss accidents

[GP i.e. yard owners and police/patrols if they take control]

Telephone Report to: 0845 300 9923 { Mon/Fri 8.30am - 5pm }

HSE says "you will be sent a copy of the ~~report~~ information recorded. RIDDOR is required to keep records of all reportable incidents. Copies go to DUTY HOLDERS (GP i.e. yard owners)

Email (see www.hse.gov.uk for FORMS) riddor@connaught.plc.uk

REPORTING OUT OF HOURS

- a) serious injury
b) incidents causing major disruption, such as evacuation of people, closure of roads

Telephone DUTY OFFICER on 0151 922 9235
or 0151 922 1221 (duty press officer)

One or more Legal Observers, with laptop, to report to HSE (Leticia to brief them)



HSE's job is to protect people against risks to health and safety (arising out of work activities)

1) we want to see Risk Assessment
our lawyers want to see [↑]

~~we have~~

HSE is the national independent watchdog for work-related health and safety.

"working in the public interest"

asbestos campaign

(GP we have warned of presence of asbestos

"we put those who put others in danger before the courts"

"we work with our co-regulators in local authorities"

GP note that Dawn French is taking to herself what goes to BDC health & safety officers

IN CERT Clinic's role

HSE: Freedom of Information

The FOI Act and Environmental Information Regulations (EIRs) give right to request information held by the HSE/E

Request to: HSE InfoLine
Caerphilly Business Park
Caerphilly, UK CF83 3GG

email: hse.infoline@connaught.plc.uk

copy to JUDITH HACKITT, HSE Chair
our mission is to PREVENT injuries/deaths

prosecute those who put others at risk

(bp + I so let our lawyers see Risk Assessment)

So that we can see whether our children
will be safeguarded, as Children's Comm
has requested.)

Grattan Puxon
1 John Harper Street
Colchester
CO1 1RP

From the Chief Executive

Geoffrey Podger CB

5N.3 Redgrave Court
Merton Road
Bootle
Merseyside L20 7HS

Tel: 0151 951 5766
Fax: 0151 951 5849
geoffrey.podger@hse.gsi.gov.uk

www.hse.gov.uk

9 July 2010
Our Ref: 2010/249-10

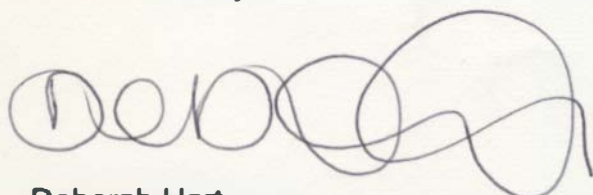
Dear Mr Puxon

Hovefields

I am writing on behalf of Geoffrey Podger to acknowledge receipt of your letter which we received on 9 July 2010.

The matters raised in your letter are being considered and a reply will be sent to you shortly.

Yours sincerely,



Deborah Hart
Executive Assistant to Chief Executive

Dale Farm Eviction Health and Safety Concerns

1) Risk Assessment required

Health and Safety at Work etc. Act 1974

(National Norms and Implementation of EU Directives)

1 The Construction (Health, Safety and Welfare) Regulations 1996 (CHSW Regulations)

<http://www.dhpl.co.uk/1996/19960101/19960101.htm>

1 Persons upon whom duties are imposed by these Regulations

4.—(1) Subject to paragraph (5), it shall be the duty of every employer whose employees are carrying out construction work and every self-employed person carrying out construction work to comply with the provisions of these Regulations insofar as they affect him or any person at work under his control or relate to matters which are within his control.

(2) It shall be the duty of every person (other than a person having a duty under paragraph (1) or (3)) who controls the way in which any construction work is carried out by a person at work to comply with the provisions of these Regulations insofar as they relate to matters which are within his control.

(3) Subject to paragraph (5), it shall be the duty of every employee carrying out construction work to comply with the requirements of these Regulations insofar as they relate to the performance of or the refraining from an act by him.

(4) It shall be the duty of every person at work—
(a) as regards any duty or requirement imposed on any other person under these Regulations, to co-operate with that person so far as is necessary to enable that duty or requirement to be performed or complied with; and
(b) where working under the control of another person, to report to that person any defect which he is aware may endanger the health or safety of himself or another person.

2 Comments: Under Regulation 4 (2) it seems that any person in control of a any construction work is under the obligation to respect requirements of obligations. The issue here is to identify exactly the terms of the contract between the Council and *Constant and Company (Bedford) Limited* and the mandate the company had been given so to see if the work they plan to carry out may be classified a construction work.

2 Demolition or dismantling

10.—(1) Suitable and sufficient steps shall be taken to ensure that the demolition or dismantling of any structure, or any part of any structure, being demolition or dismantling which gives rise to a risk of danger to any person, is planned and carried out in such a manner as to prevent, so far as is practicable, such danger.

(2) Demolition or dismantling to which paragraph (1) applies shall be planned and carried out only under the supervision of a competent person.

- 1 Comments: Demolition or dismantling are classified as being part of construction work. A risk assessment should be carried out before commencing any work so to "prevent any danger". This should be supervised by a competent person.
- 2 *Constant and Company (Bedford) Limited* would therefore be required to complete a full risk assessment of any activity they are planning to engage in not only with regards to the safety of their workers but also with regards to the members of the public that might be on the site. The Health and Safety Executive (HSE) offer in their web site guidelines on how a risk assessment should be conducted and examples. They also offer a template form to fill out. A document such as this form or a even more comprehensive risk assessment should be produced by *Constant and Company (Bedford) Limited* before they carry out the eviction.

HSE Risk Assessment Page

assessment

HSE 5 steps to risk

guide by Brighton Council on CHSW regulations

HSE

About HSE

HSE and Local authorities working together

How the partnership works

How the partnership works

Local authorities operate in partnership with HSE to ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities. To achieve this, local authorities, as with HSE, provide advice and guidance on what the law requires, conduct inspections and investigations, and take enforcement action where appropriate. HSE and Local Authority Representative Bodies have recently published a Statement of Commitment which sets out the joint commitment to ensure provision of adequate standards of partnership working in order to prevent death, injury and ill health of those at work and those affected by work activities. The full statement also lays out the HSE/LA Partnership structure in detail and explains the difference between HSE and LACORS.

- Statement of commitment between HSE and Local Authority representative bodies[1]

•

The Local Authority Unit (LAU) is a specifically designated part of the Health and Safety Executive (HSE) dedicated to facilitating partnership working between HSE and local authorities (LAs). Staffing the Unit is a team of HSE staff, some of whom have an LA background. This ensures there is an equal LA/HSE perspective on all Health and Safety developments and innovations.



LACORS

working
together

Statement of commitment between HSE and local authority representative bodies

This joint statement of commitment, agreed by HSE and local authority representative bodies in June 2009, sets out our commitment to improved standards of partnership working with one overriding aim – to prevent the death, injury and ill health of those at work and those affected by work activities.

We are committed to working together on the following four clear objectives for the health and safety of Great Britain:

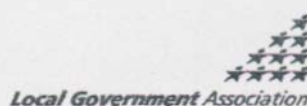
- to reduce the number of work-related fatalities, injuries and cases of ill health;
- to gain widespread commitment and recognition of what real health and safety is about;
- to motivate all those in the health and safety system as to how they can contribute to an improved health and safety performance; and
- to ensure that those who fail in their health and safety duties are held to account.

We are committed to delivering these objectives by working in a close, effectively-governed, partnership that achieves the following aims:

- recognition of the need to balance local/regional priorities against national priorities – achieving the best outcomes for safer, stronger and healthier communities;
- effective targeting and use of resources and funding towards agreed priorities;
- joint planning, work programmes and training ensuring effective interventions and service delivery methods;
- timely communications and better sharing of information between partners;
- working with other regulators and stakeholders to drive forward health and safety improvements, including the health, work and wellbeing programme;

- co-ordinated enforcement activity, consistency and effectiveness, sharing intelligence, data and information, delivery of justice, cross-administrative boundary working;
- production of advice and guidance, publicity, campaigns and communications, best practice;
- implementation of the 'Section 18 standard on enforcement'* by March 2011;
- ensuring our views are represented within liaison, policy and partnership groups at local, regional and national levels; and
- ensuring that information is provided to politicians, senior managers and practitioners on the decisions of such groups and on their work as regulators.

* see reverse of this sheet



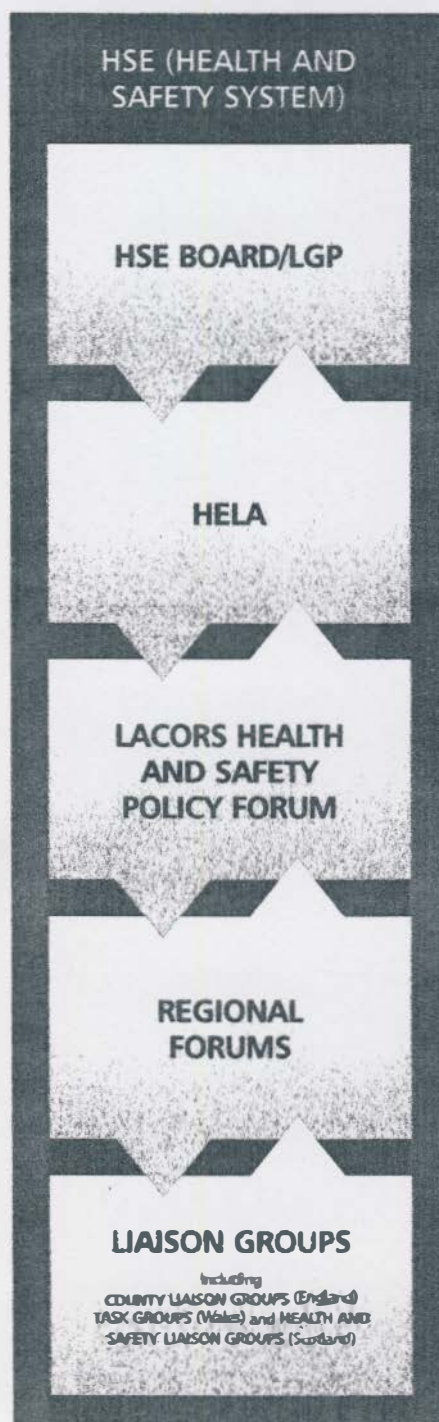
An overview of the HSE/LA partnership structure



HSE is the national regulatory body responsible for promoting the cause of better health and safety at work in Great Britain – preventing death, injury and ill health in the workplace.

How HSE supports the partnership structure

- The HSE Board and senior officials hold regular meetings with their LA counterparts.
- Partnership teams in HSE's seven geographical regions provide a strategic link for local authorities – particularly on major work planning initiatives. Partnership teams may also attend LA regional forums and county liaison groups. Enforcement Liaison Officers in the regions support individual councils in their enforcement activities.
- HSE's LAU provides the secretariat for HSE Board meetings with the LGP and for HELA (jointly with LACORS). LAU also runs the HEx (HELA extranet) and provides a partnership news service. LAU liaises regularly with LACORS and partnership teams to promote the partnership.
- HSE's policy teams ensure LA representatives are involved at an early stage in developing policy and workplans.



LACORS

promoting quality regulation

LACORS is the local government central body providing support, coordination and promotion of local health and safety regulation, representing local government on behalf of LGA, WLGA and COSLA.

How LACORS supports the partnership structure

- Briefs the HSE Board member (who champions LA interests) before Board meetings.
- Secretariat for the LGP; HELA (jointly with HSE LAU); LACORS Health and Safety Policy Forum.
- Organises meetings of representatives of the county health and safety groups and liaises with these groups and individual health and safety officers.
- Raises the profile of health and safety with HSE producing publications and organising national conferences and regional events for LAs. Also produces a range of specialist advice and guidance on health and safety to LAs promoting good practice.
- Coordinates and submits responses on behalf of LAs to a wide range of government consultations, influencing and lobbying on behalf of local government.
- Leads and partners initiatives enhancing the reputation of regulatory services.

Organisation acronyms

HSE Health and Safety Executive **LAU** Local Authority Unit **LACORS** Local Authorities Coordinators of Regulatory Services
LA Local authority **LGA** Local Government Association **WLGA** Welsh Local Government Association **COSLA** Convention of Scottish Local Authorities **LGP** Local Government Panel **HELA** Health and Safety Executive/Local Authority Enforcement Liaison Committee **CIEH** Chartered Institute of Environmental Health **REHIS** Royal Environmental Health Institute of Scotland

Grattan Puxon
Dale Farm Housing Association
1 John Harper Street
Colchester
CO1 1RP

6th October 2009
Our Ref: 2009/394567

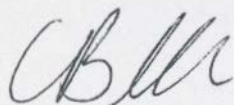
Dear Mr Puxon,

Dale farm Demolition and Eviction

I am writing on behalf of Geoffrey Podger to acknowledge receipt of your letter which we received on 5th October 2009.

The matters raised in your letter are being considered and a reply will be sent to you shortly.

Yours sincerely,



Lisa Blundell
Executive Assistant to Chief Executive

From the Chief Executive

Geoffrey Podger CB

5N.3 Redgrave Court
Merton Road
Bootle
Merseyside L20 7HS

Tel: 0151 951 5766
Fax: 0151 951 5849
geoffrey.podger@hse.gsi.gov.uk

www.hse.gov.uk

Gratton Puxon
Dale Farm Housing Association
1 John Harper Street
Colchester
Essex
CO1 1RP

Date

Reference

Field Operations Directorate

Annette Hall

East & South East
Wren House, Hedgerows
Business
Colchester Road,
Chelmsford,
Essex, CM2 5PF

Tel: 01245-706219
Fax: 01245-706222
annette.hall@hse.gov.uk

<http://www.hse.gov.uk/>

Head of Operations
Simon Longbottom

Dear Sir

HEALTH AND SAFETY AT WORK ETC ACT 1974 - DALE FARM DEMOTITION AND EVICTION

Dear Mr Puxon

I refer to your letter to Geoffrey Podger dated 1st October, I have been asked to reply on his behalf.

I understand your concerns about the need to properly assess and manage risks during an operation of the type you describe. Obviously, HSE cannot prevent a legally obtained eviction order being carried out. I can however confirm that following your letter, one of my inspectors has contacted Basildon District Council and we will work with them and other parties who may be involved any eviction to ensure that risk assessments that properly address the risks to the health and safety of all people on site during the eviction process are properly carried out and that all organisations involved have systems in place to ensure, so far as is reasonably practicable, that the site is safe.

Yours faithfully



Annette Hall
HM Principal Inspector of Health and Safety

Dear Sirs

We wish to make a complaint that at Hovefields Drive on 29 June 2010 Constant Bailiffs of (insert address) failed to observe the law relating to demolition sites under the Construction (Design and Management) Regulations 2007, SI 320/2007 and other legislation. Whilst the individual breaches are too numerous to detail we are particularly concerned at the breach of Regulation 13, especially Regulation 13(6). We believe furthermore that the entire operation was conducted in an unsafe and hazardous manner and trust that you will investigate.

On the morning of Tuesday 29 June 2010, Constant bailiffs accompanied by Essex police officers, arrived at Hovefields Drive, Wickford. It was about 7.30 am. No notice of this work had been given. Bailiffs began knocking on caravans and mobile-homes giving occupants one hour to pack up and leave. At about 8.00am lowloaders arrived bearing three heavy 'diggers' (later photographs attached).

Within half an hour of arrival the digger operators starting digging up plots where there was no-one living at the time. These plots are covered in compacted hardcore and gravel designed to give a stable base for residential caravans and chalets. Water and electricity were supplied to the plots. No attempt was made to ascertain pipe runs for clean, runoff, or sewage water. No attempt was made to ascertain electric cable runs. These services were disconnected by Constant's operatives without the involvement of representatives of the utility companies. No apparent precautions were taken to ensure electrical safety during 'live working'. No apparent precautions were taken to ensure that water supplies were not contaminated with sewage.

There were a number of buildings on these plots (press photographs attached). Access to these buildings was not interdicted because, as the attached photograph shows, a child was able freely to enter a building shortly before it was demolished. These buildings are used as lavatories, or for washing, and are connected to underground four thousand gallon cess tanks. No attempt had been made to empty the cess tanks before demolition work commenced. It was immediately apparent that foul sewage had contaminated the site because of the smell. The ground was so churned up that it is inevitable that sewage contaminated the ground and may enter run off to adjacent occupied properties and ground water. This amounts to an accidental release of a substance (raw sewage) which may damage health and is accordingly a Reportable Incident under RIDDOR. We trust that Messrs Constant have made a RIDDOR report. If they have failed so to do, please accept this as a Report.

No safety fencing was placed round the site, neither were there any warning signs. The truth of these allegations may be judged from the photographs attached. There were no warning signs of any sort. Whilst Constant had brought some – probably not enough – proper metal safety fencing this was not erected. Residents of the Hovefields site, their supporters, the press, and the police had free access to all parts of the site at all times and were able to gain access to Constant's vehicles and the diggers. All of these people were exposed to hazards.

Contractors carrying out the work did not appear to be wearing proper personal safety equipment – such as hard hats, gloves, workboots, or waterproof clothing. No infection control measures were in place to deal with the breach of the cess tanks. Constant's own employees and their sub-contractors were thus exposed to dangers.

The photographs supplied clearly show that it is impossible to determine the boundaries of the demolition site and thus it is impossible to say whether materials were projected beyond the boundary of the site and thus make their projection reportable under RIDDOR.

The manager for Constant said that a risk assessment had been prepared for the demolition work at the Hovefields site, but they refused to show it to the residents. There was no apparent inspection of the demolition site by representatives of Basildon District Council and certainly no supervision of the demolition operation by them. The only BDC employees present were members of the Council's public relations department.

DALE FARM HOUSING ASSOCIATION

Secretary
Grattan Puxon
1 John Harper Street
Colchester C01 1RP
01206 523528
Dale.farm@btinternet.com

Mr Geoffrey Podger CB
Chief Executive
Health & Safety Executive
5N.3 Redgrave Court
Merton Road
Bootle
Merseyside L20 7HS

10 July 2010

RE: CONSTANT & CO (Bedford) LTD

Dear Mr Podger,

Thank you for acknowledging receipt of my letter, with enclosed photographs, concerning the serious breaches of safety law by Constant & Co (Bedford Ltd) which occurred at Hovefields Drive, Wickford, Essex, on the 29 June 2010.

For your convenience I have copied my earlier letter below, drawn up with the advise and help of a lawyer with expertise in safety law. I now enclose the statement from Zelda Jeffers, omitted before.

This matter as it is of the gravest concern to us as Constant & Co. have been hired for a very similar operation involving some 90 families, including many children, at nearby Dale Farm, Crays Hill, Billericay, possibly within the next few weeks. We fear that safety laws will again be ignored and children put in unnecessary danger.

A letter has been sent by the chairman of the UN Commission on the Elimination of Racial Discrimination, Mr Anwar Kemal, requesting the UK authorities to suspend this direct action eviction until a suitable alternate site can be found for the families. He has drawn attention to the previous record of Constant & Co and the rough evictions it has carried out, drawing criticism from the High Court for racist conduct and needless destruction of private property. A response is expected by the end of July.

An update concerning this latest complaint has been sent to the CERD by COHRE, the Geneva-based NGO concerned with forced evictions.

COMPLAINT

We wish to make a complaint that at Hovefields Drive, Wickford, Essex SS12 9JD, on 29 June Constant & Co (Bedford) Ltd of 66 Harpur Street, Beds MK40 2RA (telephone 01234 340091, 01235 302277) failed to observe the law relating to demolition sites under the Construction (Design and Management) Regulations 2007 SI 320/2007 and other legislation.

Whilst the individual breaches are too numerous to detail we are particularly concerned at the breach of Regulation 13, especially Regulation 13(6). We believe furthermore that the entire operation was conducted in an unsafe and hazardous manner and trust that you will investigate.

On the morning of Tuesday 29 June 2010, Constant employees arrived at Hovefields Drive, Wickford. It was about 8 am. No notice of this work had been given. Bailiffs began knocking on caravans and mobile-homes giving occupants one hour to pack up and leave.

At about the same time low-loaders arrived bearing three heavy 'diggers' (**Photo 1** attached). Within half an hour of arrival the digger operators starting digging up plots where the owners were absent. These plots are covered in compacted hardcore and gravel or tarmac, designed to give a stable base for residential caravans and chalets.

Water and electricity were supplied to the plots. No attempt was made to ascertain pipe runs for clean, runoff, or sewage water. No attempt was made to ascertain electric cable runs. These services were disconnected by Constant's operatives without the involvement of representatives of the utility companies. No apparent precautions were taken to ensure electrical safety during 'live working'. No apparent precautions were taken to ensure that water supplies were not contaminated with sewage.

There were a number of buildings on these plots (**Photo 2**). Access to these buildings was not interdicted because, as **Photo 2** shows, a child was able freely to enter a building shortly before it was demolished.

These buildings are used as lavatories and for washing, and are connected to underground four thousand gallon cess tanks. No attempt had been made to empty the cess tanks before demolition work commenced. The tanks were breached. It was immediately apparent that foul sewage had contaminated the site because of the smell. The ground was so churned up that it is inevitable that sewage contaminated the ground and may enter run off to adjacent occupied properties and ground water. This amounts to an accidental release of a substance (sewage) which may damage health and is accordingly a Reportable Incident under RIDDOR. We trust that Messrs Constant have made a RIDDOR report. If they have failed to do so, please accept this report.

No safety fencing was placed round the site, neither were there any warning signs. The truth of these allegations may be judged from the photographs attached, including Press photos. Additional sets of photographs are being sent to you by email.

Whilst Constant had brought some proper metal safety fencing, though probably not

enough sections to create a perimeter barrier, this was not erected but left on the ground. Two sections only were put up. Residents of the Hovefields site, their neighbours and friends, the Press, and the police had free access to all parts of the site at all times and were able to gain access to Constant's vehicles and the diggers, and even climb onto a vehicle. All of these people were exposed to hazards of heavy, working and moving machinery.

Contractors carrying out the work did not appear to be wearing proper personal safety equipment, such as hard hats, work boots, or waterproof clothing. No infection control measures were in place to deal with the breach of the cess tanks. Constant's own employees and their sub-contractors were thus exposed to dangers, in addition to residents, among them children.

The photographs supplied clearly show that it is impossible to determine the boundaries of the demolition site and thus it is impossible to say whether materials were projected beyond the boundary of the site and thus make their projection reportable under RIDDOR.

The manager for Constant said that a risk assessment had been prepared for the demolition work at the Hovefields site, but they refused to show it to the residents. There was no apparent inspection of the demolition site by representatives of Basildon District Council and certainly no supervision of the demolition operation by them. The only BDC employees present were members of the Council's public relations department.

The information for this complaint has been supplied by Mr Malcolm Tully, of The New Life Church, of 1 Viking Way, Wickford SS11 7AJ (07963821637), Ms Zelda Hedders, of Basildon (07982934425), whose statement is attached, and professional photographer Ms Mary Turner (maryt03@googlemail.com). All three are willing to be interviewed.

Yours sincerely

Grattan Puxon
Secretary DFHA

DALE FARM HOUSING ASSOCIATION

secretary

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Ms Annette Hall
HSE Field Operations Directorate
East & South East
Wren House
Hedgerows Business
Colchester Road
Chelmsford CM2 5PF

11 July 2010

Dear Ms Hall,

In reference to your undated letter sent in response to ours directed to Geoffrey Podger dated 1 October 2009, in which you replied on his behalf concerning the **Health and Safety At Work Act 1974**.

We raised our concerns in relation to demolition and eviction operations planned to take place at Dale Farm, Crays Hill, Billericay, involving some 90 families and their 52 properties, under the direction of Basildon District Council employing Constant & Co. (Bedford Ltd). Thank you for informing us that one of your inspectors has contacted BDC and that you would be working with them and other parties who may be involved in any eviction to ensure that risk assessments that properly address the risks to the health and safety of all people on the site during the eviction process are properly carried out and that all organizations involved have systems in place to ensure, so far as is reasonably practicable, that the site is safe.

Regrettably, we have to inform you that despite the steps you have taken in this respect, further breaches of safety, endangering children and indeed adults, including employees, have taken place during work carried out by Constant & Co. (Bedford) Ltd on 29 June, 2010, at Hovefields, Drive, Wickford, Essex.

Our formal complaint over these breaches is included below. We are sending you separately by email a collection of photographs illustrating the points in our complaint, which we trust you will now investigate.

Sincerely,

Grattan Puxon
secretary DFHS

Mr G Puxton
Secretary
Dale Farm Housing Association
1 John Harper Street
Colchester
Essex
CO1 1RP

22 July 2010

Reference CETO/155/10

Field Operations Directorate

E Scoggins

East South East

Wren House
Colchester Road
Springfield
Essex CM2 5PF

Tel: 01245706200
Fax: 01245706222
Email: address@hse.gov.uk

<http://www.hse.gov.uk/>

Operations Manager
Simon Longbottom

Dear Mr Puxton

HEALTH & SAFETY AT WORK ETC. ACT 1974

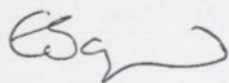
Thank you for your letter of the 7 July 2010, which was addressed to Geoffrey Podger and which has been passed to me for reply in my capacity as investigation manager.

Your complaint concerns the actions of Constant and Co and Basildon District Council (BDC) over site clearance at Hovefields Drive, Wickford, Essex.

HSE has already made contact with BDC and begun to make enquiries and I propose to make contact with Constant and Co shortly to continue these enquiries. I will also be seeking assurances concerning any further work that may be planned at the site.

Once we have obtained further information I will write to you again but in the meantime if you would like to discuss the matter please use my contact details, which are given above.

Yours sincerely



E Scoggins
HM Principal Inspector of Health and Safety

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Association 1 John Harper Street Colchester Essex
CO1 1RP Date

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reference Dear Sir HEALTH AND SAFETY AT W
CT 1974 - DALE FARM DEMOTITION AND

EVICTION Dear Mr Puxon, I refer to your letter to Geoffrey Podger dated 1st October, I have been asked to reply on his behalf. I understand your concerns about the need to properly assess and manage risks during an operation of the type you describe. Obviously, HSE cannot prevent a legally obtained eviction order being carried out. I can however confirm that that following your letter, one of my inspectors has contacted Basildon District Council and we will work with them and other parties who may be involved any eviction to ensure that risk assessments that properly address the risks to the health and safety of all people on site during

is reasonably practicable, that the site is safe.

Yours faithfully

Annette Hall
HM Principal Inspector of Health and Safety

HSE

Health & Safety Executive

HSE and Local Authority Representative Bodies in June 09 issued ~~have recently~~ a statement of commitment:

Risk Assessment

the law expects you to protect people as far as "reasonably practicable"

"others" (ie DF) have a right to be protected from harm caused by a failure ~~to~~ (by BDC) to take reasonable control measures

— decide who might be harmed and how

— a hazard is anything that may cause harm ie electricity, (or machinery, vehicles), levels of noise

who?

who might be harmed? (ie. Nora Sheridan, Jean Sheridan's triplets, etc, Michael Slattery (ill) Jean (Jaimo) Sheridan (ill) etc

"members of the public, if they could be hurt by your (agents!) activities.

CONTROLLING RISKS:

- prevent access to the hazard (or DF - fence & remove children by evacuation)
- put barriers (or ie. DF perimeter fencing.
- write down & A results (ie report) (or share with DF reps)

③

clothing.

Apart from the bailiff I spoke to who was not interested in health and safety I could not find any one in charge of the sites. There was a third digger working several plots away. A lot of the time no bailiffs or security were present. This area was also open and anyone could enter.

I saw no housing or welfare personell despite looking. When distressed residents asked what was happening to their homes they were told to go to the council.

When I left the diggers were still working. There were uneven dug over areas and unstable mounds of earth and rubble as well as an